



Entered on Docket
December 29, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING AMENDED FIRST
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED
UPON INVESTMENT IN THE RIO
RANCHO EXECUTIVE PLAZA LLC
LOAN**

Hearing Date: December 18, 2009
Hearing Time: 1:30 p.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Amended First Omnibus Objection of USACM
2 Trust to Proofs of Claim Based Upon Investment in the Rio Rancho Executive Plaza LLC
3 Loan”, [Docket No. 7564] (the “Objection”); notice of the Objection having been given;
4 no response to the Objection having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED:**

- 6 1. The Objection is sustained; and
7 2. The claims listed on **Exhibit A**, which are claims based upon a Direct
8 lender investment in the Rio Rancho Executive Plaza LLC Loan, are
9 disallowed in their entirety.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11
12 **LEWIS AND ROCA LLP**

13 By /s/ Marvin Ruth (#10979)
14 Rob Charles
15 John Hinderaker (*pro hac vice*)
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ This is a Chapter 11 case. I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party (no other parties appeared):	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
 Rob Charles
 John Hinderaker (*pro hac vice*)
 Marvin Ruth
Attorneys for USACM Liquidating Trust

**EXHIBIT A TO FIRST OMNIBUS OBJECTION OF USACM TRUST
TO PROOFS OF CLAIM BASED UPON INVESTMENT IN THE
RIO RANCHO EXECUTIVE PLAZA, LLC LOAN**

Claim	Name	Address	Total Claim Amount
10725-00669	DOYLE FAMILY TRUST DTD 9/23/99	C/O PATRICK J & JILL M DOYLE TTEES 10770 OSAGE RD RENO NV 89506-8516	80,000.00
10725-01570	MOLITCH, MARILYN & MATTHEW	2251 N. RAMPART BLVD. #185 LAS VEGAS NV 89128 <u>New address:</u> 11262 CORSICA MIST AVENUE, LAS VEGAS, NV 89135	12,500.00
10725-00663	RONALD G GARDNER TRUST	C/O Jeffrey L Hartman ESQ 510 West Plumb Lane, Suite B, Reno, Nevada 89509	50,000.00
10725-01789	SPRING, DONALD W & EVELYN MAE	3153 CANYON OAKS TER CHICO CA 95928-3987	52,475.00
10725-01266	WAYNE DOTSON CO PETER BOGART CEO	PETER BOGART CEO 1445 CITY LINE AVE. WYNNEWOOD, PA 19096	56,500.00

Totals

251,475.00